

Remarks/Arguments:

The Examiner is thanked for the indication that claims 36-39 are allowed.

The Office Action lists several matters that must be addressed. These matters will be addressed in order.

Assignee Consent

The Office Action states that the Applicant must provide the Assignee's consent to the reissue application. Assignee's consent to the Reissue divisional application is enclosed herewith as Attachment A.

The Office Action states that the Terminal Disclaimer filed September 21, 2006 lists Boston Scientific Corp. as assignee, whereas Corvita Corporation is listed as the assignee filed in the parent case, U.S. Application Serial No. 09/657,041. Applicant respectfully submits that Corvita Corporation is owned by Boston Scientific Corp., as evidenced by the "Limited Authorization to Act on Behalf of Assignee Regarding Certain Patent Matters Effective Through: December 31, 2007", which is enclosed herewith as Attachment B. While Boston Scientific Corp. ultimately owns the present application, applicants submit herewith a corrected Terminal Disclaimer listing Corvita Corporation as the assignee to maintain consistency with the parent application.

Oath/Declaration

The Office Action states that the Oath/declaration is defective because there is a missing inventor, Rysler Alcine, in the reissue oath/declaration of February 25, 2004. The Office Action further states that a new petition under 37 CFR 1.47 to accept missing signature is required in this divisional reissue application.

A Petition by Joint Inventors Filing on Behalf of Other Joint Inventor Who Refuses to Join in Application or Cannot Be Reached (37 C.F.R. §1.47(a)) is attached as Attachment C. Applicants respectfully request the Petition be GRANTED.

A Supplemental Declaration signed by the non-missing inventors, Leonard Pinchuk and Yasushi Kato, is also attached as part of Attachment C.

Claim Objections

The Office Action states that the amendment filed on July 26, 2007 failed to set forth the status of all of the claims with status identifiers. Applicants respectfully submit that the present amendment lists claims 1-35 as "Canceled", claims 36-39 as "Previously Presented", and claims 40-42 as "Canceled". Applicants respectfully request withdrawal of this objection to the claims.

The Office Action further states that the new claims 36-39 of the amendment filed on July 26, 2007 need to be underlined. Applicants have underlined claims 36-39 in the present response. Applicants respectfully request withdrawal of this objection to the claims.

The Office Action further states that the numbering of claims will follow that of the patented claims, and that new claims will be renumbered as 31-34. Applicants respectfully traverse this statement. While the patented claims are 1-30, Applicant respectfully submits that the pending application initially included claims 31-39 (claims 1-30 and 40-42 being canceled), with claims 31-35 being canceled in the amendment mailed on July 23, 2007. Applicants respectfully submit that the numbering of allowed claims 36-39 is correct and request withdrawal of this objection to the claims.

Certificate of Correction

The Office Action states that a clean copy of the specification with the Certificate of Correction changes made in the reissue application is required. A clean copy of the specification with the Certificate of Correction changes made in the reissue application is enclosed as Attachment D.

Terminal Disclaimer

The Office Action states that a new reissue oath/declaration for the current reissue application is required to cover the terminal disclaimer filed in the parent patent, Serial No. 08/863,964, now U.S. Patent No. 5,855,598. The new reissue/oath cites the Terminal Disclaimer, which was forwarded to each of the inventors by letter dated December 12, 2007.


Appln. No.: 10/788,966
Amendment Dated January 21, 2008
Reply to Office Action of October 23, 2007

BSI-430US10

Conclusion

Applicants respectfully submit that they have complied with all of the proper requirements of the October 23, 2007 Office Action. A prompt Notice of Allowance is respectfully requested.

Respectfully submitted,



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Enclosures: Attachments A-D
Terminal Disclaimer

Dated: January 21, 2008

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The Director is hereby authorized to charge or credit Deposit Account No. **18-0350** for any additional fees, or any underpayment or credit for overpayment in connection herewith.

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